

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
  
Plaintiff,  
  
vs.  
  
Naomi Bistline,  
  
Defendant.

No. CR-22-08092-002-PCT-SMB  
  
ORDER FOR COMPETENCY  
EXAMINATION  
  
(Pursuant to: 18 U.S.C. § 4241(a))  
  
(Defendant in Custody)

Defendant having filed a Motion for Competency Examination (Doc. 250) filed 8/1/2023, pursuant to 18 U.S.C. § 4241(a) and reasonable cause appearing,

**IT IS ORDERED:**

1. The defendant, Naomi Bistline, be evaluated by a licensed or certified psychiatrist or psychologist to determine whether the defendant is presently suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense.

2. **Dr. Kathryn Menendez** is appointed to conduct the evaluation.

3. **The United States Marshal Service**, within a period **not to exceed six (6) weeks from the date of this Order**, shall arrange for an appointment and transport the defendant to:

The Office of Dr. Menendez  
7600 N. 15<sup>th</sup> Street; Ste. 150-21  
Phoenix, AZ 85020  
(602)265-9555

1           4.     **Dr. Menendez shall:**

2                   (a)     Within a period **not to exceed two (2) weeks from the date of the**  
3 **scheduled appointment**, submit a written evaluation pursuant to 18 U.S.C. §§ 4241(b)  
4 and 4247(b) and (c), by both U.S. Mail and email (or fax) to:

5                   • ORIGINAL Report via U.S. Mail to  
6 U.S. District Court  
7 Chambers of U.S. District Judge Susan M. Brnovich  
8 401 West Washington Street, SPC 19  
9 Phoenix, Arizona 85003-2151.

10                   • COPY of Report  
11 via email Brnovich\_chambers@azd.uscourts.gov

12                   (b)     Not exceed the presumptive hourly rate authorized by this Court for  
13 the costs of services \$300.00 per hour and not to exceed a total of \$3,600. Payment of  
14 services exceeding this amount will require prior approval of this court.

15                   (c)     To avoid payment delay, provider shall submit the following documents  
16 via email: (1) an invoice (2) a copy of the requesting Motion, and (3) a copy of this signed  
17 Order to the following email address: [usaaz.budgetmailbox@usdoj.gov](mailto:usaaz.budgetmailbox@usdoj.gov). Alternately the  
18 provider may submit the above listed documents via fax or mail to the following:

19                   United States Attorney's Office  
20                   Attn: Finance/Budget Department  
21                   Two Renaissance Square  
22                   40 N. Central Avenue, Suite 1800  
23                   Phoenix, AZ 85004-4408  
24                   Telephone: 602-514-7500  
25                   Fax: 602-514-7693

26 Pursuant to the Guide to Judiciary Policies and Procedures, Volume 7, Chapter 3,  
27 §320.20.60, the U.S. Department of Justice shall pay the costs of the evaluation.

28           5.     **Defense counsel shall:**

                  a.     Promptly provide the psychologist or psychiatrist with a copy of the  
Motion for Competency Examination, this Order, and all relevant documents that may  
assist with evaluating the defendant's competency.

1           b. Maintain contact with both the psychologist or psychiatrist, and the  
2 U.S. Marshal Service, to ensure that the defendant's appointment has been scheduled  
3 within the time period indicated in this Order.

4           **6. The government shall:**

5           a. Promptly provide the psychologist or psychiatrist with all relevant  
6 documents, including case reports disclosed to the defense, the defendant's criminal  
7 history, and other known mental health examinations or medical records in the  
8 government's possession. The government is authorized to disclose any federal  
9 presentence investigation report(s) (PSRs) for the defendant. Any disclosed PSR shall be  
10 used solely for the purpose of this examination.

11           b. Pay the costs of the evaluation, pursuant to the Guide to Judiciary  
12 Policies and Procedures, Volume VII, Chapter 3, §320.20.60.

13           7. All proceedings relating to this defendant in the above-captioned case are  
14 stayed pending further order of the Court. Excludable delay under 18 U.S.C. §  
15 3161(h)(1)(A) is found to commence on August 22, 2023, and end upon the Court's  
16 determination that the defendant is competent. Such time shall be in addition to other  
17 excludable time under the Speedy Trial Act and shall commence as of the day following  
18 the day that would otherwise be the last day for commencement of trial.

19           **8. This matter is set for a status conference on October 16, 2023 at 3:00**  
20 **p.m., courtroom 506.**

21           9. The Clerk of the U.S. District Court shall furnish a copy of this Order to the  
22 U.S. Marshal Service.

23           Dated this 22nd day of August, 2023.

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27           Honorable Susan M. Brnovich  
28           United States District Judge